

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ELTON R. JACKSON,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:05CV1421 RWS
)	
DON ROPER,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on Elton Jackson's pro se petition for writ of habeas corpus under 28 U.S.C. § 2254 [#2]. Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Frederick R. Buckles, who filed his Report and Recommendation on April 3, 2006 [#21]. It is Judge Buckles' recommendation that the petition be denied without further proceedings. Jackson timely filed his objections to the Report and Recommendation [#22]. Under 28 U.S.C. § 636(b)(1)(C), I am required to review de novo those portions of the Report and Recommendation to which Jackson objects.

I have conducted a de novo review of all matters relevant to the petition. Based on that review, I will adopt and sustain Judge Buckles' Report and Recommendations and will deny Jackson's petition. Finally, as Jackson has not made a substantial showing of the denial of a constitutional right, I will not issue a certificate of appealability.

Accordingly,

IT IS HEREBY ORDERED that Jackson's petition for habeas corpus under 28 U.S.C. § 2254 [#2] is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 1st day of May, 2006.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE